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IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF DELAWARE

Michael ROSE

Plaintiff

Civil Action

No. 06-370-JJF

✓
First Correctional Medical
Correctional Medical Services
Dr. Niaz

Defendants

A Request by Plaintiff to Have
Defendants Motion To Dismiss, Be
Denied for The Following Reasons

① This is Not a Isolated Incident!

A. I hope To prove a long standing practice
of prison abuse and Refusal to treat
Serious Medical conditions.

B Attached To This Memorandum, The
Court Will find 3 Affidavits of Different
Individuals with the Same Disease,
With the Same Outcome. There are More
Affidavits upon request from the Court.

② I feel We should not lose our Fundamental
Values, Democracy, Fairness, and Every
ones right to Exist.

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Denying and Failure to give medical care, is actually producing, physical, Torture and a lingering Death, causing Deliberate Indifference.

See Kemmler C 136 US, 436, 10 S.Ct 930 34 L. Ed. 519.

① I did state C.M.S. Doctors along with CMS knew of my serious medical needs. CMS was in charge of medical from July 1, 2000 until June 30, 2002. Then again in 2005. They had too chances to help me but choose not to. They could have given me the medical help I need to save my life. But refused to.

② Plaintiff did not state the Doctors or CMS and Dr. Muhammed A. Niaz were negligent, Plaintiff stated. The Defendants, Diagnosed the seriousness of my disease, requiring treatment so obvious a lay person would easily recognize the necessity for extensive treatment.

③ Plaintiff did state CMS also Dr. Niaz. But today you will see one Dr. the next day you will see some one else.

④ The B.N.s the Drs will not give you any information on who runs CMS. Their for Plaintiff was unable to obtain C.M.S. superiors, names, or who the final policy makers authorities were.

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Grievance

- ① The last Time I filed a Grievance it Took 1 year to try and get the right Medication for my Heart Then I received a Hospital Bill for \$2,100.00
- ② while in the Hospital in Wilm in Sept 05, Dr Niaz told me I was to far gone. The I went to the Second Phase I was told to treat me would be a waste of Tax Payers Money. The Board sent me back to Dr Niaz. He had already refused To help, I was at a dead end and running out of Time. I had no where to go, But To Court

Medical Records

- ① all Times and Dates, Dr Names, RNs Names, Hospital stays, what was done what was not Done, is in my Records, 40% of my Case is in my Records 60% in in my physical Condition

upon Information and Belief

- ① Mark Murphy
Jimmy McKinney Died 2002
Fredia Fredrick Died 2005
In mates that Died of the Same
Thing or something like it.

① Cruz-Beto- 405 US 319 322 C 1972)

② Conley v Gibson 355 US 41 45-46 - 1957
Infliction of Pain

Gregg v Georgia- 173 C 96.8 et at 2925

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Even To day, I am still being refused
the shots I Needed and still need.

I hope the Court will let me move
forward with Case

Respectfully~

Michael Lee Rose

I/M Michael Lee Rose

SBI# 09H880 UNIT 7.2

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977

WILMINGTON DE 197

16 NOV 2006PM 1 L



Office of The Clerk

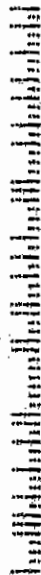
United States District Court

844 N. King Street Lockbox 18

Wilm Del 19801-3570

U.S.M.S.
X-RAY

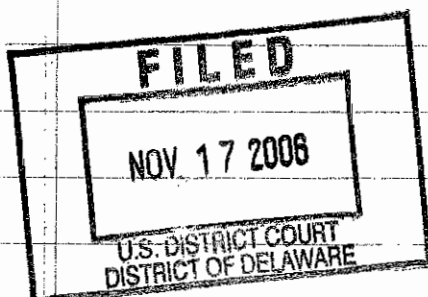
1980173570-93 C012



11-14-06

AFFIDAVIT From RONALD KLINE

on the above Date of 2004 I was told that I have (Hepatitis C) and it took at least two (2) years before I began getting treatment for this Disease, and just some time ago of 2006 I began getting shots for the (Hepatitis) and I was tested and told that I have the (Hepatitis C) for at least ten (10) years by Doctor Nias Disease Control Doctor, and I have also seen & felt my body go through a whole lot of changes with Body Fluid going throughout my whole body and also in my Right Lung. Plus loss of weight, I was also told by two (2) Different Doctors that I have Six (6) months to one (1) year to live, and if I were treated sooner I may have a better life.



Signed By S.B.I.
Ronald Kline 00151326
11-14-06

Affidavit

11-7-06

I Henry Glanding WAS ON the SAME
TIER AS WAS MICHAEL ROSE. We USE
To COMPARE OUR MEDICAL ISSUES.

Also the LACK OFF AND the REFUSAL
of MEDICAL ATTENTION here AT D.C.C.
Im going threw the same Thing AS
he is. Which is NO MEDICAL here
AT D.C.C.!

I WATCHED MR ROSE TURN "yellow"
from NO MEDICAL!

HENRY GLANDING

Henry Glanding



AFFIDAVIT

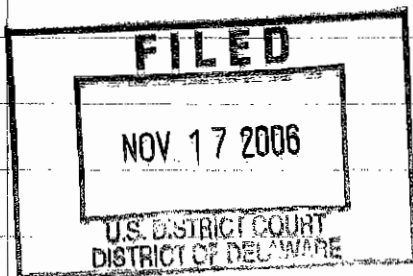
I, Timothy Thomas #160158, SWEAR THE FOLLOWING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE:

I'VE KNOWN MIKE ROSE FOR NUMEROUS YEARS AND UPON MY TRANSFER TO D.C.C. IN APRIL 2005 I SEEN HIM AGAIN AND WAS HOUSED IN THE SAME BUILDING.

SINCE MEETING HIM AT D.C.C. MR. ROSE COMPLAINED TO ME THAT THE HEALTH PROVIDER AT D.C.C. WOULD NOT TREAT HIS AILMENTS, STATING THAT "HIS AILMENTS WERE TOO FAR GONE AND THAT IT WOULD BE TOO COSTLY TO TREAT EVERY INMATE IN HIS SITUATION".

SOME TIME IN SEPT. OF 2005 MR. ROSE BECAME SEVERELY ILL, NOT EATING, RETAINING FLUID, YELLOWING OF THE SKIN AND ALIMENT DISCOLORING, SHORTLY THEREAFTER MR. ROSE MOVED TO THE INFIRMARY AT D.C.C.!

HE STAYED AT THE PRISON INFIRMARY A SHORT PERIOD OF TIME AND WAS THEN MOVED BACK TO THE HOUSING BLDG., THE NEXT I HEARD, MR. ROSE WAS SEVERELY ILL AND WAS TAKEN TO AN OUTSIDE HOSPITAL!



Sincerely,
 Timothy Thomas
 Timothy Thomas

Nov. 4, 2006

Affidavid From LARRY RICHMOND

ON OR about August of 2003 I Started Asking for Hep.-C Test, it took 6 months to get the test.

I was tested Positive.

for 2½ years I was turned down for a biopsy during that time the Numbers from my Blood tests have doubled. Doctor Niase then told me I Need a Liver Transplant and if I don't get the transplant I have 3 to 5 years to live. I was told I would get a Biopsy. But when they found out I only had a year left on my sentence they refused to do Anything for me. (they lied to me telling me I would get a Biopsy Any time now). I get out Next month Dec 14, 2006 and never got Any Kind of treatment from this place for Hep.-C.

This is a true Affidavid

Nov. 4, 2006

Larry Richmond P.C.C. 00126864

